

Appl. No.: 10/732,942
Amdt. dated: 12/19/2005
Reply to Office Action of August 11, 2005

REMARKS

Enclosed herewith is a Request for Continued Examination (RCE) pursuant to 37 CFR § 1.114. Upon entry of the instant amendment, claims 1-9 are pending. Claim 1 has been amended to more particularly point out the applicant's invention. It is respectfully submitted that upon entry of the instant amendment and consideration of the remarks below that the application is in condition for allowance.

CLAIM REJECTIONS-35 USC § 102

Claims 1, 2, 4, 5 and 7 have been rejected under 35 USC § 102 (b) as being unpatentable over Morioka et al US Patent No. 5,831,412 ("the Morioka et al patent"). In order for there to be anticipation, each and every one of the elements must be found in a single reference. It is respectfully submitted that the claims, as amended, recite elements not disclosed or suggested by the Morioka et al patent. For example, the claims now recite that the near full state of charge signal is generated independent of the battery voltage. The Morioka et al patent not only does not disclose such a configuration but actually teaches away from it. Indeed, the Morioka et al patent requires voltage monitoring and specifically a determination that the battery is in a constant voltage state of charge ("Upon detecting that the secondary battery 65 assumes a constant-voltage charge state, the detector 71 activates the full-charge detector 73. Then the full charge detector 73 detects whether or not the current measured by the ammeter has fallen below the predetermined value, it determines that the secondary battery 65 has been fully charged." Morioka patent, col. 14, lines 9-16).

In addition, the Morioka et al does not disclose a charge indication based upon any value less than a state of full charge. In fact, the Morioka et al patent determines a full charge state by determining the battery capacitance as shown in Fig. 13 by integrating the charging current (See, for example, step S77). The system in accordance with the present invention does away with all of the complexity taught by the Morioka et al patent and simply provides a signal representative

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of a near full state of charge by simply monitoring the charging current. For all of the above reasons, the Examiner is respectfully requested to reconsider and withdraw the rejection.

CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 3, 6, 8 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Morioka et al patent, in view of Schousek et al U.S. Patent No. 6,222,370 ('the Schousek et al patent'). It is respectfully submitted that the claims, as amended, recite subject matter not disclosed or suggested by either the Morioka et al or the Schousek et al. patents, either singly or in combination. Claims 3, 6, 8 and 9 are dependent upon claim 1. The Morioka et al patent has been discussed above. The Schousek et al patent does not disclose or suggest a system for generating a signal representative of a near full state of charge as recited in the claims. As such, it is respectfully submitted that the Examiner has failed to establish a *prima facie* case of obviousness as set forth in the MPEP §§ 2142 and 2143. In particular, in order to establish a *prima facie* case of obviousness, three criteria must be met as set forth in accordance with MPEP § 2143.

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

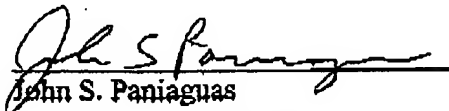
The teaching or suggestion to make the claimed combination reasonable expectation of success must both be found in the prior art, not in the Applicant's disclosure."

For these reasons and for the above reasons, the Examiner is respectfully requested to reconsider and withdraw this rejection.

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Respectfully submitted,

KATTEN MUCHIN ROSENMAN LLP

By: 
John S. Paniaguas
Registration No. 31,051
Attorney for Applicant(s)

Katten Muchin Rosenman LLP
525 W. Monroe Street
Chicago, Illinois 60661-3693
(312) 902-5200
(312) 902-1061
Customer No.: 27160